

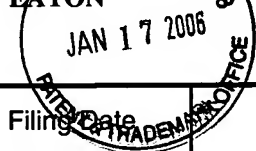
**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

50121-00003

In Re Application Of: EATON



Application No.

Filing Date

Examiner

Customer No.

Group Art Unit

Confirmation No.

10/809,139

03/25/2004

Weaver, Sue A.

25231

3727

7709

Title:

GRIP FOR BEVERAGE CONTAINER

Address to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☒ the fee set forth in 37 CFR 1.17(p).

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JAN 17 2006  
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**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☒ A check in the amount of **\$180.00** is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-1419** as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

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JANUARY 13, 2006

(Date)

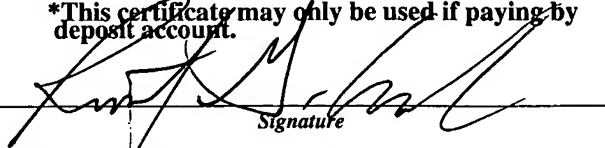
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Dated: JANUARY 13, 2006

  
Signature  
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MARSH FISCHMANN & BREYFOGLE LLP  
3151 S. Vaughn Way, Suite 411  
Aurora, CO 80014  
720-562-5506

CC:



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

EATON

Serial No.: 10/809,139

Filed: March 25, 2004

Confirmation No.: 7709

Atty. File No.: 50121-00003

For: "GRIP FOR BEVERAGE CONTAINER"

) Group Art Unit: 3727

) Examiner: Weaver, Sue A.

) INFORMATION DISCLOSURE  
) STATEMENT

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>JANUARY 13, 2006</u>.</p> <p style="text-align: center;">MARSH FISCHMANN &amp; BREYFOGLE LLP</p> <p>BY: <u>Maureen Sileo</u> MAUREEN SILEO</p>
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Pursuant to Applicant's duty of disclosure under 37 C.F.R. §1.56 and 1.97-1.98, Applicant hereby submits the enclosed PTO Form 1449. Although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

01/18/2006 HMARZI1 00000039 10809139

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180.00 OP

By:

Robert G. Crouch

Registration No. 34,806

3151 South Vaughn Way, Suite 411

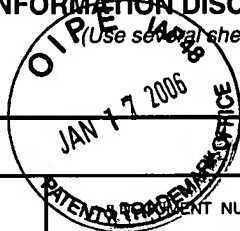
Aurora, Colorado 80014

Telephone: 720-562-5506

Dated: January 13, 2006

# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



ATTY DOCKET NO.

50121-00003

APPLICATION NO.

10/809,139

APPLICANT(S)

EATON

FILING DATE

03/25/2004

GROUP ART UNIT

3727

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	Des. 379,763	06/10/1997	Ewing, Jr.	D9	520	
	2.	Des. 393,210	04/07/1998	Ewing, Jr.	D9	543	
	3.	Des. 433,947	11/21/2000	Ewing, Jr.	D9	543	
	4.	5,758,790	06/02/1998	Ewing, Jr.	215	384	

## U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.